

### REMARKS

This Amendment is in response to the Office Action dated August 10, 2009, in which claims 1, 3-9, 11-15 and 17-19 are rejected. Applicant respectfully requests reconsideration and allowance of all pending claims in view of the above-amendments and the following remarks:

I. CLAIM REJECTIONS UNDER 35 U.S.C. § 103

Claims 1, 3 and 11-15 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., U.S. Patent No. 6,751,470, and further in view of King et al., U.S. Patent No. 6,415,158.

Claims 4 and 5 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., U.S. Patent No. 6,751,470, in view of King et al., U.S. Patent No. 6,415,158, and further in view of King et al., European Patent No. 1026908.

Claims 6-8 are rejected under 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., U.S. Patent No. 6,751,470, in view of King et al., U.S. Patent No. 6,415,158, in view of King et al., European Patent No. 1026908, and further in view of Connor, U.S. Publication No. 2004/0203353.

Claim 9 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., U.S. Patent No. 6,751,470, in view of King et al., U.S. Patent No. 6,415,158, and further in view of Segal, U.S. Patent No. 7,031,280.

Claim 12 is rejected under 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., U.S. Patent No. 6,751,470, in view of King U.S. Patent No. 6,415,158, and further in view of Garcia, U.S. Publication No. 2005/0146432.

Claim 17-19 are rejected 35 U.S.C. § 103(a) as being unpatentable over Henriksson, U.S. Publication No. 2005/0052341, in view of Ella et al., U.S. Patent No. 6,751,470, in view of King et al. U.S. Patent No. 6,415,158, and in view of Connor, U.S. Publication No. 2004/0203353.

**A. No Response Given To Applicant's Prior Arguments As Required By M.P.E.P. §707(f)**

Applicant respectfully requests a response to its arguments presented with the Amendment filed May 22, 2009.

While the Examiner addressed the typographical errors made in the prior Office Action regarding the prior art citations, no response was given to Applicant's arguments concerning novelty and non-obviousness of Applicant's claims in view of the cited prior art.

The present Office Action appears to be a corrected copy of the prior Office Action but contains no analysis of Applicant's arguments or explanation as to why Applicant's arguments were not considered sufficient.

M.P.E.P. §707(f) requires the Examiner to answer all material traversed by the Applicant, ("Where the applicant traverses any rejection, the examiner should, if he or she repeats the rejection, take note of the applicant's argument and answer the substance of it").

If the claim rejections are again maintained, Applicant respectfully request a response to its arguments so that Applicant is able to present a complete response to the Office Action.

**B. Patentability of Claim 1 in View of Henriksson (U.S. Publ. No. 2005/0052341), Ella (U.S. Patent No. 6,751,470) (NOKIA) and King et al. (US 6,415,158) (LUCENT)**

Applicant disagrees with the rejection of independent claim 1 and believes that claim 1 (and similarly independent claim 15) is non-obvious in view of the cited references.

**1. Present Application**

Indeed, as illustrated in **figure 1 of Annex 1** (attached), the present application concerns a radiocommunication device comprising first means for implementing communications according to a first standard (S11), and second means for implementing communications according to a second standard (S21) at least partially using (A) at least one of said frequency bands of the first standard (S11).

Moreover, the pending claim 1 recites that the second standard (S21) is a walkie-talkie standard (Tx/Rx1) that uses the same frequency band for transmission and reception.

**2. Ella (NOKIA)**

As illustrated in **figure 2 of Annex 1**, Ella describes a part of the pending claim 1, mainly a radiocommunication device comprising first means for implementing communications according to a first standard (S12), and second means for implementing communications according to a second standard (S22), at least partially using (B) at least one of said frequency bands of the first standard.

Ella fails to disclose the feature of claim 1 according to which the second standard (S21) is a walkie-talkie standard (Tx/Rx1) that uses the same frequency band for transmission and reception.

**3. Technical Problem to be Solved**

The technical problem of this feature of Applicant's claim 1 is to implement simplex type communications (i.e communications using the same frequency band for transmission and reception) with a radiocommunication device which is further capable to operate according to a first standard.

The Applicant agrees that one of ordinary skill in the art would have been encouraged to look for a solution to the above-mentioned problem in King et al. (LUCENT), which belongs to the technical field of radiocommunication device capable to operate according to two distinct communication standards.

4. King et al. (LUCENT)

As illustrated in **figure 3 of Annex 1**, the one of ordinary skill in the art would have learned from King et al.'s (LUCENT's) document that the above-mentioned technical problem can be solved by implementing a second standard (S23) of walkie-talkie type (Tx/Rx2) using operating frequencies between the frequency bands of a first standard (S13). Indeed, see col.1, lines 38-43 of LUCENT's document, where it is disclosed "*In W-T mode, the dual mode mobile transmits and receives at frequencies between the mobile's normal transmit and receive frequency bands. By utilizing these in-between frequencies, numerous transmitter/receiver components are used for both normal cellular communication and during W-T mode, . . .*" (Emphasis added).

5. Combination of Ella (NOKIA) and King et al (LUCENT)

Consequently, as illustrated in **figure 4 of Annex 1**, the one of ordinary skill in the art would have been encouraged by the teaching of King et al. (LUCENT) to replace the second standard (S22) of NOKIA (that uses at least partially (B) at least one of the frequency bands of the first standard) by the walkie-talkie type standard (Tx/Rx2) of LUCENT that uses frequencies (S23') between the frequency bands of the first standard (S12) of NOKIA.

The person of ordinary skill in the art would have not come to the invention of Applicant's claim 1 (**figure 1 of Annex 1**) without applying an inventive step. Indeed, it would have been **non-obvious** for the person of ordinary skill in the art to replace the second standard (S22) of Ella (NOKIA) by the walkie-talkie standard (Tx/Rx2) of King et al. (LUCENT), while maintaining the frequency bands properties of the second standard (S22) of Ella (NOKIA) (i.e the second standard (S22) of Ella uses at least partially (B) one of the frequency bands of the first standard (S12) of Ella).

The Examiner should therefore agree that the combination of Henricksson, Ella (NOKIA) and King et al. (LUCENT) is not relevant to the present claims since one of ordinary skill in the art would have not come to a second standard (S21) of walkie-talkie type (Tx/Rx1) using at least partially (A) at least one of said frequency bands of the first standard (S11)(as disclosed in pending independent claims 1 and 15).

Regarding all the aforementioned arguments, it appears that the amended claim 1 is novel and non-obvious in view of the cited references. Applicant thus respectfully requests that the claim rejections based on the proposed combination of Henricksson, Ella and King et al. be withdrawn.

Claims 1, 2-15 and 17-19 are therefore believed to be in condition for allowance.

The Director is authorized to charge any fee deficiency required by this paper or credit any overpayment to Deposit Account No. 23-1123.

Respectfully submitted,  
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